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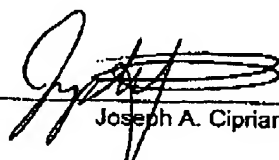
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on April 4, 2006
Date


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TO: Commissioner For Patents Fax No.: 571-273-8300
FROM: William H. Dippert
RE: US Patent Application Serial No. 10/049,761

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Applicant: Clark T. Hung, et al.
Serial No.: 10/049,761
Filing Date: February 7, 2002
For: Bioreactor for Generating Functional Cartilaginous Tissue
Enclosures: Response to Interview Summary (3 pages)

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Attorney Docket: COL221.227953

Customer No.: 054042

APR 04 2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Application of:

Clark T. Hung, et al. : Group Art Unit: 1744

Serial No.: 10/049,761 : Examiner: W.H. Beisner

Filed: February 7, 2002 : Confirmation No.: 7596

For: **BIOREACTOR FOR GENERATING FUNCTIONAL
CARTILAGINOUS TISSUE**

April 4, 2006

Mail Stop: *Amendment*
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO INTERVIEW SUMMARY

SIR:

A recently received Interview Summary dated March 6, 2006 summarizes a telephonic interview with the Examiner on March 1, 2006. Since a responsive Amendment was filed March 9, 2006, prior to receipt of the Interview Summary, Applicants comment as follows:

During said telephonic interview, Applicants' representatives argued that the proposed claim language defines over the prior art of Lee or/and Lee and Bader (collectively "Lee et al.") because "functional cartilaginous tissue" is produced by the instant method and device while the tissue of Lee et al. is not "functional cartilaginous tissue" and the loading regime of Lee et al. is different because a different tissue is

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Attorney Docket: COL221.227953

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produced. The Examiner was of the position that the tissue and loading regime of Lee et al. meets the instant claim language since it can be implanted. Applicants' representatives responded that "functional cartilaginous tissue" useful for an implant is defined in the present specification, which tissue is not disclosed or suggested by Lee et al.

The Examiner stressed that if the tissue was different, the difference must result from a difference in the loading regime. Applicants' representatives maintained that the use of the terminology "functional cartilaginous tissue" in the claims of this application is sufficient to distinguish Applicants' device and method claims over Lee et al.

Applicants' representatives indicated that to support Applicants' position, they would consider filing - and have filed - a declaration to establish that the instant application is directed to functional cartilaginous tissue, that the tissues produced according to Applicants' invention and the tissue of Lee et al. are structurally different, and that thus the loading regime of the reference of Lee et al. would not meet Applicants' proposed claim language.

Applicants' representatives also indicated during the telephonic interview that they would consider amending the claims - and have so amended the claims - to further define the loading regime to distinguish over the regime of the reference of Lee et al. and to include a control means or device for providing the loading regime commensurate with that of proposed claim 29.

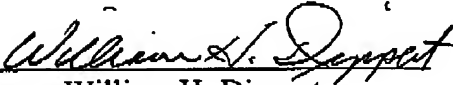
Applicants again thank the Examiner for the courtesy of the telephonic interview mentioned above.

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Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully submitted,

April 4, 2006


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